BOOKS AND PERIODICALS.

"RIGHT TO PRIVACY." — Few recent cases have caused more comment and criticism than the case lately decided by the New York Court of Appeals, in which the plaintiff, a young woman of attractive appearance, was refused an injunction to restrain the use of her likeness as a trade advertisement. *Roberson* v. *Rochester, etc., Co.*, 171 N. Y. 538. The critics generally deplore the result, but they differ as to where to lay the blame. Of those who criticise the court adversely, Mr. Gordon, writing in the August number of the CANADIAN LAW TIMES, is a fair exponent. *The Right of Privacy*, by Wm. Seton Gordon, 22 Can. L. T. 281 (Aug., 1902). To his mind the right to privacy is an existing right, distinct alike from the right to reputation and from property rights. He entertains the view that protection might well be granted by means of the "undoubted jurisdiction of equity to restrain unfair practices in trade." This suggested basis of the alleged right to privacy seems extraordinarily narrow, since conceivably there may be serious infringements of that right entirely apart from trade matters. Furthermore jurisdiction over unfair practices in trade forms only one manifestation of the power of equity to restrain irreparable injury to person or property. For in spite of the fact that equity jurisdiction arose in questions involving property only, it is now well settled that it has extended to protect personal rights. See *Pierce* v. *Proprietors of Swan Point Cemetery*, 10 R. I. 227. The personal right to privacy, the right to be let alone, is one which must ultimately be recognized in these days when curiosity-seekers are rampant. The New York court was avowedly fearful of establishing a precedent which would open the door to a multitude of frivolous claims. But this danger seems to have been magnified, as the plaintiff must always have the burden of proving actual damage or suffering, and the court would have that large discretion necessarily inherent in courts of equity.

Of those who consider that the law was properly administered, and that legislative action is necessary to give the plaintiff legal rights, Mr. Adams, counsel for the defendant, is the strongest advocate. See *The Law of Privacy*, by E. L. Adams, 175 No. Am. Rev. 361. He suggests that the subject involves an extension of the law of libel, to cover the redressing of spiritual as well as of material wrongs. From this premise he concludes that, apart from any question of a remedy at law, under the acknowledged limitations of equity no injunction could possibly have been granted. That the New York courts will not enjoin the publication of a libel is now, unfortunately, settled by the recent case of *Marlin Fire Arms Co.* v. *Shields*, 171 N. Y. 384. This decision is another exemplification of judicial reluctance to establish a new, though desirable, precedent. Whether or no the alleged right to privacy is analogous to the right to reputation, it seems certain that some remedy must be found for such abuses as are declared legal by the New York decision. It was to be hoped that the "courts of conscience" would prove elastic enough to meet this modern need. But apparently such is not to be the case, and we must look hereafter to the legislatures.

For a more thorough discussion of this subject, see 4 HARV. L. REV. 193.

MUTUALITY OF REMEDY IN SPECIFIC PERFORMANCE. — The question whether mutuality of remedy is a prerequisite of specific performance is made the subject of a recently published article. *Mutuality in the Enforcement of Contracts for Personal Service*, by Henry W. Bond, 55 Central L. J. 64 (July, 1902). The conclusion is there reached that "according to the established law" mutuality of remedy is unnecessary; in other words, that